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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS OBSERVER MISSION IN EL SALVADOR

I. INTRODUCTION

1. The present report is presented in compliance with resolution 729 (1992) of 14 January 1992 and resolution 784 (1992) of 29 October 1992, by which the Security Council agreed to extend the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) for a period ending on 30 November 1992. It describes the activities of ONUSAL during the period since my last reports in May and June 1992 (S/23999 and Add.1). In the meantime, in letters dated 19 and 28 October and 11 November 1992 (S/24688; S/24731 and S/24805), I informed the members of the Security Council of certain obstacles that had arisen in the implementation of the peace process in El Salvador and of how these had been overcome.

2. ONUSAL, headed by my Special Representative, Mr. Iqbal Riza, has continued to carry out all the verification functions assigned to it under the several agreements ("the Peace Accords") signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) between 4 April 1990 and 16 January 1992. ONUSAL has also intensified its participation as an observer in the work of the National Commission for the Consolidation of Peace (COPAZ), composed of the two signatories of the accords and the political parties represented in the National Legislative Assembly. COPAZ drafts legislative measures related to the accords and supervises their execution. In response to difficulties that have arisen in execution of the peace accords, and with the cooperation of the parties, ONUSAL has expanded its function beyond the verification role envisaged in its original mandate and now uses its good offices in a variety of ways to facilitate implementation of the accords.

3. Under the timetable for the implementation of the accords, the process of ending the armed conflict was to have been completed by 31 October 1992. By that date, the Government was to have completed several major commitments of a political and institutional nature and FMLN was to have demobilized all its combatants, destroyed their armament and reintegrated them into civilian life under programmes provided by the Government.

4. The tightness of the timetable, an integral component of the accords, together with the complexity of the various commitments undertaken by the two sides, led to major delays in completing certain crucial commitments. Within a few months the accumulation of these delays became an obstacle to the implementation of the peace process. Consequently, in consultation with the two parties, ONUSAL on 17 June 1992 reprogrammed those parts of the timetable that had been affected by the delays. In the face of further delays, a second reprogramming was agreed on 19 August 1992 following a visit to El Salvador by Mr. Marrack Goulding, Under-Secretary-General for Peace-keeping Operations.

5. In both these reprogrammings the fulfilment of certain key commitments that the Government was to complete by 31 October 1992 had to be postponed beyond that date. These included the provision of agricultural land in the former zones of conflict to persons who had occupied properties there during the conflict; this was originally to have been completed by the end of July 1992. Another concerned the establishment of the National Public Security Academy to train the new National Civil Police; this had been due on 1 May 1992. In response to delays in the implementation by the Government of its undertakings, FMLN had asserted that the dismantling of its military structure would also have to be reprogrammed in order to maintain the link in the original timetable between the key undertakings of the two parties.

6. While the United Nations has maintained the position that, in principle, each party is obliged to comply with its commitments without making this conditional on reciprocal compliance by the other party, it must be kept in mind that the original timetable was conceived as a carefully synchronized whole, comprising parallel actions by both sides. The delays described above disturbed the balance established in the timetable and, even after the two reprogrammings, it became evident that that balance had not been re-established.

7. An evaluation by the United Nations on 17 September 1992 of the two sides' compliance with the second reprogramming concluded that the land issue had emerged as a main obstacle to the effective implementation of the accords. To overcome this obstacle, I sought the advice of specialized bodies in the United Nations system and on 13 October 1992 I presented to the parties a proposal that I considered to be a reasonable solution to the land issue taking all relevant factors into account. My proposal was accepted by FMLN and the Government on 15 and 16 October 1992 respectively.

8. Notwithstanding this, it soon became evident that the cumulative delays, and the reactions of the parties to them, were leading the peace process into an impasse, each party holding the other responsible and insisting on contradictory interpretations of key clauses of the accords. In this situation, I presented on 23 October 1992 a proposal under which the schedule for compliance would undergo further adjustments. In this proposal, the final phase of the dismantling of the military structure of FMLN was to commence by 31 October 1992 and be completed by 15 December 1992.

9. As I informed the Members of the Security Council on 11 November 1992 (S/24805), FMLN accepted my proposal contingent upon acceptance of it by the Government. The Government, however, reserved its position on some aspects of the proposal and raised questions related both to the inventory of weapons submitted by FMLN and to the schedule for the implementation of the recommendations of the Ad Hoc Commission on the Purification of the Armed Forces. President Cristiani also announced that, pending clarification of these questions, the Government was suspending implementation of the agreed programme for the restructuring, reduction and demobilization of the Armed Forces. In these circumstances I decided to send Mr. Goulding and Mr. de Soto, my Senior Political Adviser, to San Salvador to assist in overcoming the difficulties which had arisen. They arrived there on 30 October 1992.

10. Following extensive consultations separately with the Government and FMLN, Mr. de Soto (I had requested Mr. Goulding to leave San Salvador for Angola on 2 November) reported to me on 6 November that he had successfully concluded with the parties arrangements which, if implemented, would formally bring the armed conflict to an end on 15 December 1992. Agreement on these arrangements was recorded in letters that Mr. de Soto exchanged on my behalf with President Cristiani and the High Command of FMLN respectively. In these letters, it was expressly stipulated that compliance with specific undertakings by one side would be contingent upon compliance with specific undertakings by the other side. In light of the outcome of these consultations and in accordance with the final provision of the calendar of implementation contained in the Chapultepec Agreement, I made the necessary adjustments to the timetable for implementation of the accords, and ONUSAL is now verifying, with close attention, the implementation by the parties of the arrangements which each of them agreed with Mr. de Soto.

11. It is in this context that the present report, describing ONUSAL's activities in support of the peace process, is presented to the Council, together with my recommendations on ONUSAL's future mandate and strength.

II. VERIFICATION OF THE CESSATION OF THE ARMED CONFLICT

A. Composition and tasks of the Military Division

12. The Military Division, which remains under the command of Brigadier-General Victor Suanzes Pardo (Spain), had a strength of 375 military observers in February 1992. It now consists of 226 military observers from Brazil, Canada, Colombia, Ecuador, India, Ireland, Spain, Sweden and Venezuela and 8 medical officers from Argentina. This reduction has been made possible by the progress achieved in implementation of the agreement relating to the cessation of the armed conflict.

13. While continuing to ensure the observance of the cease-fire, the Division has assumed further tasks related to the verification of the reduction of the Armed Forces of El Salvador (FAES) and the reintegration of FMLN ex-combatants into civilian life. After 15 December 1992, the Division's main functions

will be to continue to verify the reduction of FAES and the introduction of the new armed forces reserve system, to coordinate the clearance of minefields and to help consolidate peaceful conditions, particularly in the former zones of conflict. During January 1993, the Division will, if my recommendations are approved by the Security Council, be reorganized and further reduced to 103 military observers. Thereafter, its size will be reviewed periodically.

B. Separation and concentration of forces

14. Under the first reprogramming of 17 June 1992, certain adjustments were made in the concentration points allocated to FAES. With some delay, FAES completed its concentration on 26 June 1992, including withdrawals from specified installations, such as the headquarters of the former Treasury Police.

15. Under the same reprogramming, FMLN presented a schedule for the final concentration of its combatants. This was completed on 26 June 1992, except in several locations where there remained small groups of armed and uniformed personnel in support of so-called "public security committees" (see para. 44 below). In response to ONUSAL's continued insistence, these personnel eventually completed their concentration, after considerable delay, by 30 August 1992.

C. Reintegration of FMLN ex-combatants and hand over of weapons

16. In accordance with the first reprogramming, the initial contingent of 20 per cent of FMLN ex-combatants was demobilized on 30 June 1992, two months after the date stipulated in the original timetable. However, ONUSAL considered the number of weapons handed over to be insufficient. FMLN attributed the low number to the fact that this first contingent included mainly support personnel who were normally unarmed. At ONUSAL's insistence, it agreed to hand over additional weapons to approximate to 20 per cent of its inventory. This was completed on 18 August 1992 after several delays, but the majority of weapons received were in poor condition and this raised further doubts about the authenticity of this first demobilization.

17. The reintegration of the second contingent of 20 per cent of FMLN ex-combatants, which had been reprogrammed for 31 July 1992, was suspended a few days before that date by FMLN, which protested that the Government was not complying with the first reprogramming. This second contingent was finally demobilized on 24 September 1992, following the second reprogramming of 19 August 1992. A further 20 per cent of FMLN's arms inventory was handed over. On this occasion most weapons were in reasonable condition.

18. In my proposal of 23 October 1992 the dates for the demobilization of the remaining three contingents of 20 per cent of FMLN ex-combatants were set for 31 October, 20 November and 15 December 1992. The third contingent was duly demobilized on 30 and 31 October 1992. The arms handed over to ONUSAL were

mostly in good condition. Demobilization of the fourth contingent duly began on 20 November 1992.

19. The demobilization of FMLN personnel disabled in the war began on 31 August 1992 and continues to this date.

D. Inventory of FMLN troop strengths and armaments

20. I have referred in earlier reports to my concern about whether the inventory presented to ONUSAL by FMLN in February 1992 represented a full accounting of FMLN's holding of arms. As part of the second reprogramming, FMLN, after some delays, presented an updated inventory, which is currently being verified by ONUSAL. Following the consultations described in paragraphs 9 and 10 above, FMLN is to submit a final inventory of its weapons on 30 November 1992, concentrate them in the designated zones by that date and begin their destruction on 1 December 1992.

E. Marking of minefields and removal of mines

21. A working group composed of the United Nations Children's Fund (UNICEF), ONUSAL, FAES and FMLN established to study the problem of minefields has collected all available information on their types and location and is currently signposting mined areas. A plan for the removal of the mines is to be coordinated by the Military Division at the request of the Government and FMLN. A delegation of the Inter-American Defense Board of the Organization of American States (OAS) visited El Salvador on 15 August 1992 to study how it might participate in this plan. Meanwhile, ONUSAL is supporting a UNICEF public education campaign to make the population aware of the dangers posed by minefields and the work being done to clear the mines.

III. ARMED FORCES OF EL SALVADOR

A. Civil defence

22. The disarming and disbandment of the civil defence units was carried out in April and May 1992 in accordance with the FAES reduction plan. The Military Division has verified that the process was completed by 30 June 1992. Routine patrolling has confirmed that the command structures of these units have been dissolved, but monitoring is being maintained to establish that their disbandment is effective.

B. Reduction of the armed forces

23. The Military Division is verifying that the reduction of the armed forces called for by the peace accords is being carried out in accordance with the reduction plan submitted by the Government to the Secretary-General. The strength reductions carried out up to late October conformed with that plan.

As described in paragraph 9 above, President Cristiani announced on 28 October a temporary suspension of implementation of the plan, but this will be restored in early December as a result of the consultations described in paragraph 10 above. The Division's verification, through visits to units and review of relevant documents, has determined that the majority of demobilized personnel were released directly into civilian life, while a number were transferred to non-military service. In cases where units are disbanded but their personnel are transferred to other military service, the Division continues to verify that such transfers do not conflict with the accords.

24. On 6 July 1992, the Joint Chiefs of Staff of FAES submitted a revised force reduction plan to ONUSAL. To date, two immediate reaction infantry battalions (Bracamonte and Belloso) have been dismantled. Information was requested on the location of their demobilized personnel after it was ascertained that former personnel of the Belloso Battalion had been recruited by the National Police. This development and its possible extension to other immediate reaction infantry battalions is being investigated to determine whether it can be reconciled with the relevant provisions of the accords. The dismantling of a third immediate reaction infantry battalion (Atlacatl) began on 22 September 1992 but was suspended by the Government in late October. It will now be completed by 8 December 1992, subject to the arrangements discussed in paragraph 10 above.

C. Substitution of the Territorial Service by an armed forces reserve system

25. The Military Service and Reserve Law called for by the accords was promulgated on 30 July 1992 but was ambiguous on the legal and operational dissolution of the Territorial Service. As part of the second reprogramming of 19 August 1992, the Government issued an "interpretation decree" on 7 September 1992 confirming that the Territorial Service had effectively been dissolved. The Ministry of Defence immediately commenced implementation of the dissolution process with ceremonies in the various regional military headquarters. The Military Division monitored this operation and received lists indicating where the former local commanders had been relocated and confirming the closing of their offices. Verification is being maintained to establish that the dissolution is effective.

26. Implementation of the new armed forces reserve system has not yet begun because the regulations to implement the new Military Service and Reserve Law have not yet been issued. The date on which ONUSAL is to be informed of the regulations is now 30 November 1992.

D. Other issues

27. The Academic Council of the Military College was appointed on 31 July 1992, rather than on 11 May 1992 as originally scheduled. The Council has drawn up new admission criteria, as required under the accords.

28. Although the new State Intelligence Agency was constituted on 28 April 1992, six weeks behind schedule, and the appointment of its director was three months late, the former National Intelligence Department was disbanded by a general order of the Ministry of Defence on 9 June 1992, a few days ahead of schedule. The Military Division has verified that the Department has officially been disbanded, that its facilities have been handed over to other units of FAES, that its military personnel have been transferred to other units and that some civilian personnel have also been relocated in the FAES civilian administration. However, FMLN has expressed concern that FAES continues to undertake intelligence activities related to the internal situation in El Salvador. ONUSAL has not been able to establish clearly what functions the transferred personnel are performing in their new posts and, despite repeated requests, the location of the records of the former Department has not been divulged. Apparently no civilian personnel were transferred to the new agency. Efforts continue to obtain information from FAES on these various points.

29. Although military weapons held by private individuals were to be recovered by FAES starting on 1 September 1992, there is no indication that this process has begun. ONUSAL has requested, but not yet received, the recovery plan, so that it can verify its implementation.

IV. PUBLIC SECURITY MATTERS

A. Police Division

30. The Police Division has fully assumed its assigned role of monitoring and assisting the National Police during the period of transition until the deployment of the new police established by the accords, the National Civil Police. Specific tasks were not defined in the accords, but the Division was able to develop its functions and procedures quickly.

31. The strength of the Division, which continues to be commanded by General Homero Vaz Bresque (Uruguay), is currently 303 police observers. They are contributed by Austria, Chile, France, Guyana, Italy, Mexico, Norway, Spain and Sweden. The establishment of some 60 new National Police posts throughout the country since the cease-fire has considerably increased demands on the Division. The early deployment of some 50 additional police observers will be required to supervise the Auxiliary Transitory Police (Policía Auxiliar Transitoria) (see paras. 44-46 below). In the longer term the Division, which at present carries out an average of 100 patrols every 24 hours, will be reduced with the progressive deployment of the National Civil Police.

32. The Police Division has cooperated with the Military Division in verifying the dissolution of civil defence units and coordinated monitoring will continue. Police observers have assisted in locating illegal arms caches. The Division also supports the Human Rights Division, to which 18 police observers are seconded, and conducts special inquiries when required.

33. The Division ensures that special security measures are provided for FMLN leaders, as required by the Agreements.

B. National Public Security Academy

34. The National Public Security Academy, which will train the new National Civil Police, started its activities on 1 September 1992, four months behind schedule, partly owing to problems regarding premises and funds. The latter difficulty remains and adequate financing is assured only until the end of 1992. The Academy has requested additional funds for 1993 but a decision on this matter will not be taken before the end of December 1992. Although the Governments of Norway, Spain and the United States of America are presently supporting the Academy financially, major additional financial support from the international community will be necessary to ensure that it can train the required personnel over the next two years, so that the National Civil Police can be fully and effectively deployed.

35. The Academy is provisionally housed in the premises of the former Bracamonte Battalion and the former Public Security Academy. The Government is negotiating the possible purchase of permanent premises for the Academy.

36. Under the accords the Academy is to receive some 330 basic-level recruits each month for training in order to complete the replacement of the National Police by the National Civil Police by mid-1994. Two groups totalling 622 students joined the Academy on 1 September 1992, 357 more on 15 October 1992 and another 330 on 16 November 1992. Of the 120 candidates for the senior and executive levels who also joined the Academy on 15 October 1992, 60 are now being trained in Puerto Rico and 15 others are training in Spain. The remainder are being trained at the Academy. Although the accords establish that applicants from the National Police should be evaluated by the Director-General of the National Civil Police before the admission examinations, this requirement was not fulfilled and evaluations are well behind schedule.

37. The accords stipulate that candidates for the Academy shall be selected in such a way as to ensure that most recruits did not participate directly in the armed conflict and that the proportion of former FMLN combatants is no greater than that of former members of the National Police and vice versa. It has been agreed that candidates from FMLN and the National Police will each constitute 20 per cent of the intake. As I have reported to the Council (see S/23999, para. 29), the Government had undertaken not to present former members of the Treasury Police and the National Guard as candidates in the immediate future. However, several candidates from the National Police who recently applied for the senior and executive levels were found to have belonged to the National Guard, the Treasury Police or FAES before being transferred to the National Police after signature of the agreement of 16 January 1992. The Academic Council has decided to accept these candidates despite ONUSAL's objections that this contravenes the accords and subsequent undertakings by the Government. This problem is still awaiting resolution in ONUSAL's discussions with the Government.

38. The Academic Council has also accepted the prior training and service of candidates in the National Police as being equivalent to the university studies required for enrolment in the courses for senior and executive levels. ONUSAL is still awaiting a reply to its request for information as to the technical grounds on which such a decision was taken.

39. ONUSAL is monitoring closely the Government's compliance with its commitment not to use National Police, ex-public security forces or FAES personnel as advisors or instructors in the Academy and in the National Civil Police.

40. The Academy has been receiving the support of an international technical team of experts from Spain and the United States. Having fulfilled its main task of assisting in setting up the Academy, the team is now providing the Director and the Academic Council with advice on the finances of the Academy, the recruitment and selection processes, the curricula, the disciplinary regime, etc. Instructors from Chile, Norway and Spain are fully involved in training activities. ONUSAL has also provided the Academy with instructors on a provisional basis. Further, ONUSAL is monitoring the admission examinations and has recommended improvements in these.

41. Effective monitoring of the functioning of the Academy is being obstructed by failure to accept ONUSAL's proposal that it attend the meetings of the Academic Council as an observer. ONUSAL is attempting to resolve this matter with the Government in order to ensure proper verification of this important aspect of the accords.

C. National Civil Police

42. The deployment of the National Civil Police is due to start by the end of January 1993 with the graduation of the first group of police personnel from the Academy. According to the accords, the organization of the National Civil Police is to be defined with close international cooperation and supervision, coordinated by the United Nations. ONUSAL already has offered technical assistance to the Director-General of the National Civil Police, who is in the process of preparing the organizational structure of this new body.

D. Transfer of armed forces personnel to the National Police

43. Following ONUSAL's intervention (see S/23999, para. 30), the Government halted the transfer of ex-Treasury Police and ex-National Guard personnel to the National Police. However, the Police Division recently ascertained that self-contained units from one of the demobilized immediate reaction infantry battalions, including officers, had been integrated into the National Police. Upon inquiry, the Government confirmed this, asserting that this was not expressly prohibited by the agreements. ONUSAL has taken the position that such transfers clearly contravene the spirit of the agreements and increase distrust at a time when it is essential to build confidence. The Government

continues to insist that it is entitled to effect such transfers of trained personnel in order to cope with the increase in crime, especially in the rural areas where the former National Guard and Treasury Police used to function. In this situation and in order to minimize the negative effects of such transfers, ONUSAL has insisted that they be on an individual basis, and not in units or sub-units, as this would amount to a redeployment of army personnel. Further, ONUSAL should be informed in advance of such transfers and should receive relevant lists of personnel.

E. Special regime

44. Delays in the concentration of forces and in the designation of the Director-General of the National Civil Police held up the definition of the special regime for the maintenance of public security in the zones of former conflict as required by the accords. Meanwhile, armed FMLN ex-combatants and civilian supporters had established "public security committees" to assume public order functions. Under the second reprogramming of 19 August 1992, FMLN concentrated these ex-combatants in the designated areas. In late September the Director-General, in close consultation with ONUSAL, defined the special regime and established the Auxiliary Transitory Police (see para. 31 above).

45. The deployment of the Auxiliary Transitory Police commenced in early October. It is responsible for maintaining public order and security in former conflict zones until its replacement by the new National Civil Police. Its members are drawn from recruits to the Academy who, after a 15-day preparatory course, serve in the Auxiliary Transitory Police for short periods. They then return to the Academy to complete their formal training.

46. Under the command of the Director-General of the National Civil Police, the Auxiliary Transitory Police is being deployed in about 30 posts in former conflict zones. Twelve posts had been established by mid-November 1992. Each of the Auxiliary Transitory Police's contingents is under the constant supervision and guidance of officers from the Police Division of ONUSAL, who also provide daily academic instruction. Further, ONUSAL provides the Auxiliary Transitory Police with logistical support. The special regime will be phased out gradually, following the deployment of the National Civil Police in the former zones of conflict. Meanwhile, the National Police is to enter these zones only in special situations under orders from the Director-General of the National Civil Police and with ONUSAL escort.

47. The problems referred to in this section, and particularly those mentioned in subsections B, C and D above, give rise to concern in so far as they reflect a certain reluctance, in some quarters, to accept fully the spirit and the thrust of the peace accords as regards public security matters. The essence of these is to move from public order agencies controlled by the armed forces to a new National Civil Police exclusively controlled by civilian authorities, as a new body, with a new organization, new cadres, new training and educational mechanisms and a new doctrine.

V. HUMAN RIGHTS

48. In the most recent report of the Director of the Human Rights Division (A/46/955-S/24375), issued at the beginning of August 1992, it was stated that, following the cease-fire on 1 February, substantial improvements had been recorded with regard to rights linked to humanitarian law, as well as to other rights related to life and to personal integrity and liberty. Nevertheless, concerns were also expressed regarding the persistence of apparent violations such as summary executions, death threats, systematic maltreatment of detainees and, especially, shortcomings in the due process of law and in the obligation of the State to provide safeguards to its citizens.

49. The persistence of anonymous death threats which, in the majority of cases, are directed at potential witnesses, or relatives of victims, and of unsolved violent deaths, continues to be a cause for concern. With regard to those cases that have been reported to the various government authorities, there is no indication to date that adequate measures have been taken either to investigate the threats or to protect the threatened persons.

50. During the past several months, ONUSAL has been deeply concerned by frequent incidents of violent death and threats to personal security, many of which might have political motivations. It was agreed in the second reprogramming of 19 August 1992 that the Division would give special attention to such cases. The Police Division can be of particular help in obtaining pertinent information. However, it is difficult to reach clear conclusions in such cases as the Government's investigation system is deficient and ONUSAL cannot be a substitute for it. The Mission continues to impress upon the authorities the urgent need to investigate such cases thoroughly and to take appropriate action.

51. Mr. Philippe Texier, who established and directed the Division of Human Rights under difficult conditions before the cease-fire came into effect, completed his assignment on 30 June 1992. I wish to place on record my recognition of his valuable services. The recently appointed Director of the Division, Mr. Diego García-Sayan, will give priority to the strengthening of the Division's verification activities under the San José Agreement (see S/21541, annex), and the various international human rights instruments to which El Salvador is a party. The Director will continue to present periodic reports in compliance with the San José Agreement.

52. In this context, the Division will place special emphasis on the evolution of the situation of fundamental human rights, including trade union and labour rights. In addition, it will concentrate its efforts on an extensive set of actions in support of the judicial system. This will be complemented by education programmes to promote respect for human rights.

VI. ECONOMIC AND SOCIAL MATTERS

A. Land-tenure system

53. The complexity of the land issue, which, as reported above, has delayed implementation of the accords, arises from two causes. One is inherent in the economic, political and social sensitivity of land questions in countries with predominantly agricultural economies where, as in El Salvador, land is in short supply and unevenly distributed, and where the population is large and increasing rapidly. The second is that the accords reflect only in general terms broad understandings that were reached during the negotiations, leaving details to be worked out during the implementation process.

54. The accords required that arrangements for the transfer of land to ex-combatants of both sides and for the legalization of the situation relating to land occupied during the conflict be completed by 31 July 1992. This implied completion of all stages of the process, including verification by COPAZ of the inventory of affected lands presented by FMLN, definition of conditions of transfer (determination of the number of potential beneficiaries, their entitlements, terms of payment, etc.) and the actual transfer of titles. Prolonged delays were encountered from the outset. The inventory presented by FMLN in February 1992 was incomplete and underwent several revisions before the final version was submitted in June 1992. Extended discussions in COPAZ delayed verification of the inventory.

55. Conditions for land transfer presented by the Government at the end of August 1992 led to complex discussions. ONUSAL, concerned at the consequence of further delays in initiating the transfer of land, which was supposed to have begun by 1 May 1992, became progressively more involved in the land issue. Taking into account the recommendations of experts from the International Monetary Fund (IMF), the World Bank and the Food and Agriculture Organization of the United Nations (FAO) who, at my request, visited El Salvador and worked with ONUSAL on this issue, I presented a proposal to the two sides on 13 October 1992 which was quickly accepted by both of them.

56. The proposal provided that the total number of beneficiaries should not exceed 47,500, consisting of 15,000 ex-combatants from FAES, 7,500 FMLN ex-combatants and approximately 25,000 landholders in the former zones of conflict. Given the complexity of the transfer process and the limited land and financing immediately available, my proposal established a three-phase programme for the provision of land to ex-combatants and to current landholders. If the latter occupy lands whose owners are unwilling to sell, they are to be relocated on alternative lands. Meanwhile, as required by the accords, the Government is to guarantee that current landholders will not be evicted from the properties they hold. This is a key point which, if it is ignored, could threaten the successful implementation of the peace accords. The Government has informed ONUSAL that it intends to provide the necessary guarantees. The actual amount of land available for transfer and the number of landholders on it will be known only after COPAZ has completed its verification of FMLN inventory and other Government's holdings of State land have also been verified.

57. Various operational aspects of the programme of land transfer need to be worked out by the supervisory committee established under my proposal. The programme manager and the Government's representative to the committee were appointed only recently, after considerable delay. Meanwhile, on 31 October 1992, the process of transfer started officially with the signing by the Government and FMLN, in the presence of ONUSAL, of an agreement to transfer two State properties to FMLN ex-combatants and current landholders on those properties. Several additional steps must yet be completed to define individual entitlements before the legal transfer and issue of titles can take place.

58. Since a large proportion of the land to be transferred is private land that must be purchased from its owners at market prices and with cash, the availability of adequate financing is of critical importance to the success of the programme. I shall be appealing to international and regional organizations and to bilateral donors to supplement the limited financing now available for the purchase of land, which will suffice to carry out land transfers to only 40 per cent of the beneficiaries.

59. New occupations of lands in the former zones of conflict, some of them by FMLN ex-combatants, have created new tensions. The ex-combatants assert that they are returning to lands on which they had been working before concentrating in the designated zones. One incident in October led to the Government's deploying a police contingent consisting of recently demobilized troops, a move which threatened the cease-fire. A clash was averted through the intervention of ONUSAL and the Archbishop of San Salvador. This incident illustrates the sensitive nature of the land issue in the former zones of conflict and the urgency of implementing the provisions of the accords, in accordance with my proposal of 13 October 1992.

60. FMLN has publicly called for a halt to further occupations of land in order to facilitate the land transfer programme. However, reports of occupations are still being received and are being investigated by ONUSAL.

B. Forum for Economic and Social Consultation

61. Following the second reprogramming of 19 August 1992, the National Private Enterprise Association finally decided to participate in the Forum, which was formally installed on 9 September. So far, the three participating sectors - Government, private employers and unions - have agreed upon internal regulations.

C. National reconstruction plan

62. The Government has maintained that public administration must be restored in the former zones of conflict so that the reconstruction plan can become fully operational. This requirement is now being met under procedures established by ONUSAL (see sect. VIII below).

63. With regard to the reintegration of ex-combatants into civilian life, the emergency assistance programmes for the first contingent of demobilized FMLN personnel were initiated with minor delays. The partial implementation of programmes for the second contingent began in early October 1992 and in early November 1992 for the third contingent. Problems in the programme for agricultural training were overcome by the Government and FMLN working together with ONUSAL and the United Nations Development Programme (UNDP). The programme for the medical care of disabled ex-combatants has started, but long-term rehabilitation programmes are still to be defined by the Government. Legislation in this respect has been pending in COPAZ but will be given priority once it is received in the Legislative Assembly.

64. Reintegration programmes for the medium term were prepared by the due date by the Government. However, the lack of financing continues to be a problem. Implementation procedures are still to be finalized and ONUSAL is pressing for their completion.

VII. POLITICAL PARTICIPATION BY FMLN

65. The Government completed a vital undertaking when, on 30 July 1992, FMLN was given the status of a "political party in formation". For this purpose, the Legislative Assembly approved a number of temporary reforms to the Electoral Code. The main obstacle raised had been article 7 of the Constitution which bans the existence of armed political groups. Objections on this ground were ultimately overcome since the disarming of FMLN ex-combatants was in progress under ONUSAL supervision.

66. Meanwhile, FMLN moved to establish itself as a political party, collecting the required number of signatures and presenting them to the Supreme Electoral Tribunal. After a large public meeting, FMLN proceeded to formalize the required documents at a ceremony on 1 September 1992 attended by political personalities and members of the diplomatic corps. With the Archbishop of San Salvador as a witness, FMLN leadership swore to respect the Constitution and the laws of El Salvador. The Government has not hindered FMLN's political activities, including proselytization, which were carried out with only minor problems and with open access to the media.

67. The unconstitutionality of armed political groups re-emerged as an issue when it became evident that the dismantling of the military structure of FMLN might not be completed by 31 October 1992. The governing party, ARENA, submitted to the Tribunal a formal, though non-binding, request that final registration of FMLN not be granted until it had fully demobilized. After deferring action for some time, the Tribunal issued a resolution on 12 November 1992. The resolution, approved by the majority of the Tribunal, stated that, while FMLN had complied with the established requirements, final registration could not be granted before evidence of total disarming and demobilization, duly documented by ONUSAL, was presented to the Tribunal, which would then grant final registration within 24 hours. On 19 November 1992 the Legislative Assembly extended for 30 days the temporary reforms to the Electoral Code, which were due to expire on 27 November 1992.

68. The Government has granted provisional licences, pending completion of some technical requirements, for two FMLN radio stations which were already broadcasting. The FMLN's request to be assigned a television licence has not been granted.

69. The Government has promised to take measures to accelerate the documentation of ex-combatants and to continue providing the facilities required for the protection of FMLN leaders.

VIII. RESTORATION OF PUBLIC ADMINISTRATION IN THE FORMER ZONES OF CONFLICT

70. Soon after the cease-fire on 1 February 1992, 24 of the 68 mayors then in exile returned to their municipalities. However, despite ONUSAL's efforts at the local and regional level, it was not possible to effect the return of the rest. This was due to the existence of particularly tense situations in their jurisdictions where the concentration of forces was still incomplete, and also to resistance by community organizations that had performed certain administrative functions in these areas during the conflict.

71. In July 1992, at the request of the national mayors' association (COMURES) and the association of community organizations (Concertación), ONUSAL initiated contacts between the mayors in exile and the local organizations which were resisting their return. In the second reprogramming of 19 August 1992, the Government and FMLN requested ONUSAL to prepare a programme for the restoration of public administration in the former zones of conflict. After consultation with both sides, this was finalized on 16 September 1992. Under the programme, a third of the mayors who were still in exile in July 1992 have now returned, and the rest will return by the year's end. The return of the judges in exile will now be coordinated by ONUSAL with the Supreme Court of Justice. ONUSAL will continue to exercise its good offices to ensure that the restoration of public administration in the former zones of conflict progresses smoothly without resurgence of tensions, especially after 15 December 1992.

IX. JUDICIAL SYSTEM

72. The majority of reforms to the judicial system required by the accords have been incorporated into the Constitution. However, there have been delays on secondary legislation. For example, bills pertaining to military jurisdiction. the National Council of the Judiciary and the judicial career were to have been enacted by 1 May 1992. The first was adopted only recently and the other two are pending in the Political Commission of the Legislative Assembly and are still to be revised by COPAZ.

X. ELECTORAL SYSTEM

73. After several months of discussion, in which important progress was made in narrowing differences among the parties, COPAZ is expected to submit shortly to the Legislative Assembly draft amendments to the Electoral Code. It is expected that the Assembly will approve the reformed Code by the proposed date of 10 December 1992.

74. The Government and FMLN were informed on 23 October 1992 that the United Nations had been approached by several opposition political parties, as well as by certain Member States, urging that the United Nations verify the 1994 elections, which will be the first to take place after the end of the conflict. COPAZ also has recommended unanimously to the President that an official request be made for such verification. The Government has informed the Secretary-General that it has requested the Supreme Electoral Tribunal, as the competent authority, to consider this proposal.

75. In August 1992, a United Nations mission under a UNDP technical assistance project visited El Salvador at the request of the Supreme Electoral Tribunal. It presented recommendations on the feasibility of introducing a personal identity document which would also be valid for the 1994 elections; it also provided other technical advice to the Tribunal.

XI. FINANCIAL ASPECTS

76. Should the Security Council decide to extend ONUSAL beyond its current mandate period, I shall request the General Assembly at its present session to make appropriate financial provisions for the maintenance of the Observer Mission during the period of extension.

77. As at 12 November 1992, unpaid assessed contributions to the ONUSAL Special Account for the period from inception through 11 November 1992 amounted to $11,625,882.

XII. OBSERVATIONS

78. The difficulties encountered throughout the negotiations to end the conflict in El Salvador and address its underlying causes were an early indication of the complexities awaiting the unprecedented United Nations endeavour that was to follow. It is no surprise that the implementation of these intricate agreements has encountered obstacles. But what is significant, and a cause of great satisfaction, is that, despite these problems and despite the distrust and polarization that a fratricidal conflict creates, the implementation of the peace process has advanced steadily and the obstacles have been overcome. The impeccable observance of the cease-fire and the ability of FMLN to engage in political activities in advance of its full legalization as a party are an impressive demonstration of the will of both the Government and FMLN to consolidate peace in their country. The peace process in El Salvador continues to give every sign of being irreversible.

79. None the less both parties to the peace accords have been responsible for late and/or imperfect compliance with many of their commitments, including the most sensitive and important ones. There have been a number of occasions when action or inaction on the part of one or other of the parties has put the whole process at serious risk. On such occasions considerable effort has been required from the United Nations, with unstinting help from the "Friends of the Secretary-General" (Colombia, Mexico, Spain, Venezuela), the United States of America and other interested Governments, to get the process back on track. The most serious threat to the process emerged when it became clear, simultaneously, that the formal ending of the armed conflict could not be achieved by the programmed date of 31 October 1992 and that there were difficulties over the schedule for the purification of the Armed Forces in accordance with the Chapultepec Agreement. It was in this situation that I proposed to the parties certain adjustments to the implementation process, with the results described in paragraphs 9 and 10 above. I am grateful to both parties for the flexibility which they showed in assisting me to overcome what I hope will be the last major obstacle to full and faithful implementation of the peace accords in their entirety.

80. The achievement of that goal will however continue to require flexibility and restraint on the part of the Government and FMLN, especially in the zones of former conflict, where the population has suffered directly from, and often been displaced by, military operations and where tensions remain. It is incumbent upon the Government and FMLN to ensure that the restoration of normal conditions in these zones is achieved in a spirit of détente and reconciliation. The same is true of the intricate process for the transfer of lands to ex-combatants and the regularization of the situation of those who occupied lands during the conflict. That programme, which will extend well into 1993 and perhaps beyond, will require from all concerned patience and willingness to work constructively together.

81. Successful completion of the peace process will also require continuing support from the international community both through the continued existence of ONUSAL and through the provision of voluntary contributions to support activities that the Government cannot finance itself but which it would not be appropriate to include in ONUSAL's budget. The most important of these are the third phase of the lands transfer programme, for which an estimated $85 million will be required, and the National Public Security Academy, for which, as reported in paragraph 34 above, funds are not presently available beyond the end of the current year. I shall be appealing to Governments to contribute generously in support of both these programmes.

82. As regards ONUSAL, its mandate under paragraph 2 of resolution 693 (1991) is "to monitor all agreements concluded between the two parties". These are the agreements signed by the Government and FMLN on 26 July 1990, 27 April 1991, 25 September 1991 and 16 January 1992. Since certain major undertakings, such as the reduction of the Armed Forces and the deployment of the National Civil Police, extend into 1994, it is my intention to submit to the Security Council at appropriate intervals my recommendations on the future activities and strength of ONUSAL, taking into account progress made in

implementing the peace process. My reports will of course recommend such reductions in the strength of ONUSAL as the evolution of its mandate permits.

83. The Military Division has already been reduced to a strength of 226 and it will be reduced further to 103 officers in January 1993. The Police Division may also be reduced from March 1993 in step with the progressive deployment of the new National Civil Police, and it will be phased out once this deployment is completed in early 1994. In the event that ONUSAL is required to verify the elections, the personnel required for this task would be phased in as required by the electoral process and their assignment would end immediately after the elections in March 1994. It can thus be anticipated that ONUSAL will complete its mission by mid-1994. For the present, I recommend that the Security Council extend the mission's mandate for a further period of six months, to 31 May 1993.

84. A decision in this sense by the Security Council will be another token of the international community's commitment to support the peace process in El Salvador. This commitment is of course based on the belief that Salvadorians themselves will show a matching commitment. It is only through determined efforts by all sectors of Salvadorian society to overcome the rancours caused by the conflict that the country will return to the path of lasting peace. Not only must the parties dedicate themselves to such efforts, but the Salvadorian media also must play a positive role in exercising the power that they possess to educate public opinion and influence positively the hearts and minds of the people. A special concern at present is the anonymous threats that have frequently appeared of late in the newspapers and which, along with more direct anonymous threats, are aimed at FMLN leaders, political personalities and members of ONUSAL. The Government has been asked repeatedly to investigate these threats and to take effective action before any serious incidents occur.

85. In conclusion, I should like to take this opportunity to express my support for, and pay tribute to, my Special Representative, Mr. Iqbal Riza, and to the military, police and civilian personnel of ONUSAL who under his leadership are tackling with courage, impartiality and determination the challenging task of helping the people of El Salvador to achieve just and lasting peace in their country.